FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

Inspiring Trust, Assuring Safe & Nutritious Food

Ministry of Health and Family Welfare, Government of India

FSS Act 2006, FSS Rules 2011 and FSS Regulations

Induction training programme for Food Safety Officers
Jaipur, Rajasthan

12.01.2026

प्रशंसा सिंह
सहायक निदेशक (तकनीकी)
भारतीय खाद्य संरक्षा एवम मानक प्राधिकरण स्वास्थ एवं परिवार कल्याण मंत्रालय

Understanding Important Terms

Act, 2006 | Rules, 2011 | Regulations | Advisories/Orders

When a BILL is signed by President, it is ACT!
After passing the bill in the parliement.

Rules are generally procedural framework made by the Goverment for effective implementation of an Act.

Regulations are substative aspects. i.e. deals with Rights and Obligation

Interim as in when the requirements come

Type of Law

•Principal law: *"Act"*. Describes principles on the subject matter and procedure to execute them.

•Subordinate law: *'Rules" under any act*. These rules shall not violate the principles and procedures laid down by the main act.

•Delegated law : *"Regulations" under any act or rules there under.* These are not made by parliament or state legislative assembly but by other agency or authority. These regulations shall not violate act or rules on that subject matter.

Food Safety & Standards Act 2006

Ordinal Number of the act

Short Title

FOOD SAFETY AND STANDARDS ACT, 2006

No. 34 OF 2006

Date of Assent by the Honourable president

[23rd August, 2006]

An Act to consolidate the laws relating to food and to establish the Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto.

Long Title

"Came into full effect from 05.08.2011"

Statement of Objects & Reasons to Pass the FSS Act 2006

- To Have a single law relating to food
- To create and establish the Food Safety and Standards Authority of India
- Provide scientifically tested safe standards for food
- Ensure that the food that is consumed by the public is safe and complete with nutrients
- To create enforcement mechanisms that would regulate the food industry effectively

The Bill is said to be contemporary, comprehensive and intends to ensure better consumer safety through Food Safety Management Systems ad setting standards based on science and transparency and also to meet dynamic requirements of Indian Food Trade and Industry and International Trade.

FSS Act 2006

12 Chapters
101 Sections
2 Schedules

Chapters/Schedule	Sections	Remarks
Chapter I	1-3	Preliminary
Chapter II	4-17	FSSAI
Chapter III	18	General Principles of Food Safety
Chapter IV	19-24	General Provision as to articles of Food
Chapter V	25	Provisions related to Import
Chapter VI	26-28	Special Responsibilities as to Food Safety
Chapter VII	29-42	Enforcement of the Act
Chapter VIII	43-47	Analysis of Food
Chapter IX	48-67	Offenses and Penalties
Chapter X	68-80	Adjudication and Food Safety Appellate Tribunal
Chapter XI	81-84	Finance Account, Audit and Reports
Chapter XII	85-101	Miscellaneous
Schedule I	-	Zone Classification
Schedule II	-	Repealed Act

FSS Act 2006- The Preamble

An Act enacted on 23rd Aug'2006 to:

1) Consolidate the laws relating to food.

2) To establish the Food Safety and Standards Authority of India for

   i. *Laying down science-based standards for articles of food and*

   ii. *To regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and*

   iii. *For matters connected therewith or incidental thereto.*

Objective and Scope of FSS Act 2006

1

Unified Legal Framework

Consolidates all food-related laws under one comprehensive umbrella, eliminating regulatory fragmentation and creating clarity for stakeholders

2

Science-Based Standards

Establishes rigorous, evidence-based standards for food articles grounded in scientific research and international best practices

3

End-to-End Regulation

Regulates the entire food chain: manufacture, storage, distribution, sale, and import of food products across India

4

Safe Food Assurance

Ensures the availability of safe, wholesome food for human consumption through systematic monitoring and enforcement

5

Consumer Protection

Protects consumer interests and promotes fair practices in food trade, empowering both central and state governments for enforcement

Chapter I

2. Declaration as to expediency of control by the Union.

It is hereby declared that it is expedient in the public interest that the Union should take under its control the food industry.

Concurrent List (List III) in the Seventh Schedule of the Constitution of India

18. Adulteration of foodstuffs and other goods.

[2][33. Trade and commerce in, and the production, supply and distribution of,—

(*a*) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;

(*b*) foodstuffs, including edible oilseeds and oils;

This entry allows both the **Union and State legislatures** to make laws on these subjects. However, **Union laws prevail** in case of conflict, as per Article 254 of the Constitution.

- Third Amendment of the Constitution (1954)
- Before 1954, these subjects were in the **State List**, limiting Parliament's power.
- The **Third Amendment** moved them to the **Concurrent List**, enabling **central regulation** of essential commodities and industries in public interest.
- This was crucial for implementing laws like the **Essential Commodities Act, 1955**, which governs price control, hoarding, and distribution of key goods.
- Empowers the **central government** to regulate food supply and industrial products during shortages or emergencies.
- Ensures **uniformity** across states in handling vital goods.
- Supports enforcement actions under laws like:

- Essential Commodities Act
- Food Safety and Standards Act (FSS Act)
- Legal Metrology Act

Chapter I- Section 3

3. **Definitions**

- Adulterant
- Advertisement
- Chairperson
- Claim
- Commissioner Food Safety
- Consumer
- Contaminant
- Designated Officer
- Extraneous matter
- Food
- Food additive
- Food analyst
- Food authority
- Food business
- Food business operator
- Food safety
- Food safety audit
- Food safety management system
- Food Safety Officer
- Hazard
- Import
- Improvement notice
- Infant food and infant milk substitute
- Ingredient
- Label
- License
- Local area
- Manufacture
- Manufacturer
- Member
- Misbranded food
- Notification
- Package
- Premises
- Prescribed
- Primary food
- Prohibition order
- Risk
- Risk analysis
- Risk communication
- Risk management
- Sale
- Sample
- Specified by regulations
- Standard
- State government
- Substance
- Substandard
- Unsafe food

Understanding the precise terminology is essential for effective enforcement and compliance. The Act establishes clear definitions that form the foundation of food safety regulation in India.

Chapter I- Section 3

Key Definitions:

(j) "Food" means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances :

Provided that the Central Government may declare, by notification in the Official Gazette, any other article as food for the purposes of this Act having regards to its use, nature, substance or quality;

(b) "advertisement" means any audio or visual publicity, representation o pronouncement made by means of any light, sound, smoke, gas, print, electroni media, internet or website and includes through any notice, circular, label, wrapper invoice or other documents;

(g) "contaminant" means any substance, whether or not added to food, but which is present in such food as a result of the production (including operations carried out in crop husbandry, animal husbandry or veterinary medicine), manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food or as a result of environmental contamination and does not include insect fragments, rodent hairs and other extraneous matter;

(q) "food safety" means assurance that food is acceptable for human consumption according to its intended use;

(n) "Food business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;

(o) "food business operator" in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of this Act, rules and regulations made thereunder;

(s) "Food Safety Management System" means the adoption Good Manufacturing Practices, Good Hygienic Practices, Hazard Analysis and Critical Control Point and such other practices as may be specified by regulation, for the food business;

Chapter I- Section 3

Key Definitions:

(zd) "manufacturer" means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;

(zx) "Sub-standard" an article of food shall be deemed to be sub-standard if it does not meet the specified standards but not so as to render the article of food unsafe;

(zm) "risk", in relation to any article of food, means the probability of an adverse effect on the health of consumers of such food and the severity of that effect, consequential to a food hazard;

(zn) "risk analysis", in relation to any article of food, means a process consisting of three components, i.e. risk assessment, risk management and risk communication;

(zs) "sample" means a sample of any article of food taken under the provisions of this Act or any rules and regulations made thereunder;

(zt) "specified by regulations" means specified by regulations made by the Food Authority;

(zu) "standard", in relation to any article of food, means the standards notified by the Food Authority;

(z) "label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, graphic, perforated, stamped or impressed on or attached to container, cover, lid or crown of any food package and includes a product insert;

(zb) "local area" means any area, whether urban or rural, notified by the Commissioner of Food Safety, to be a local area for the purposes of this Act;

(zg) "notification" means a notification published in the Official Gazette;

(x) "infant food" and "infant milk substitute" shall have the meanings assigned to them in clauses (f) and (g) of subsection (l) of section 2 of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992(41 of 1992), respectively;

Misbranded Foods	
Situation	**Sub-Situation**
If it is purported, or is represented to be, or is being	Offered or promoted for sale with false, misleading or deceptive claims either –Label or Advertisement.
	Sold by a name which belongs to another article of food.
	Offered or promoted for sale under the name of a fictitious individual or company as the manufacturer or producer of the article as borne on the package or containing the article or the label on such package.
If the article is sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer bearing his name and address but	the article is an imitation of, or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character
	the package containing the article or the label on the package bears any statement, design or device regarding the ingredients or the substances contained therein, which is false or misleading in any material particular, or if the package is otherwise deceptive with respect to its contents
	the article is offered for sale as the product of any place or country which is false
If the article contained in the package	contains any artificial flavouring, colouring or chemical preservative and the package is without a declaratory label stating that fact or is not labelled in accordance with the requirements of this Act or regulations made thereunder or is in contravention thereo
	is offered for sale for special dietary uses, unless its label bears such information as may be specified by regulation, concerning its vitamins, minerals or other dietary properties in order sufficiently to inform its purchaser as to its value for such use

VANASPATI GHEE?

Unsafe Food

Unsafe	
Situation	Sub-Situation
means an article of food whose nature, substance or quality is so affected as to render it injurious to health	by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substance
	by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance
	by virtue of its unhygienic processing or the presence in that article of any harmful substance
	by the substitution of any inferior or cheaper substance whether wholly or in part
	by addition of a substance directly or as an ingredient which is not permitted;
	by the abstraction, wholly or in part, of any of its constituents
	by the presence of any colouring matter or preservatives other than that specified in respect thereof
	by the article having been infected or infested with worms, weevils, or insects
	by virtue of its being prepared, packed or kept under insanitary conditions
	by virtue of its being mis-branded or sub-standard or food containing extraneous matter
	by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations

Chapter I- Section 3

Key Definitions:

(zk) "primary food" means an article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman;

Gutka??

Farm??

Export??

Chapter II- Food Safety & Standards Authority of India

4. Establishment of Food Safety and Standards Authority of India

5. Composition of Food Authority and qualifications for appointment of its Chairperson and other Members.

6. Selection Committee for selection of Chairperson and Members of Food Authority

7. Term of office, salary, allowances and other conditions of service of Chairperson and Members of Food Authority.

8. Removal of Chairperson and Members of Food Authority.

9. Officers and other employees of Food Authority … CEO and other officials

Chapter II- Food Safety & Standards Authority of India

10. Functions of the Chief Executive Officer

11. Central Advisory Committee

12. Functions of Central Advisory Committee

13. Scientific Panels

14. Scientific Committee

15. Procedure for Scientific Committee and Scientific Panel

Chapter II- Food Safety & Standards Authority of India

16. **Duties and functions of Food Authority**:

1. to regulate and monitor the manufacture, processing, distribution, sale and import of food

2. Food Authority may by regulations specify– the standards and guidelines in relation to articles of food, the limits for use of food additives etc.,. mechanisms and guidelines for accreditation of certification bodies, the procedure and guidelines for accreditation of laboratories, the method of sampling, analysis, conduct survey of enforcement, food labelling standards,

3. provide scientific advice and technical support to the Central Government

4. The Food Authority shall make it public research data

5. The Food Authority may, from time to time give such directions, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions

6. The Food Authority shall not disclose or cause to be disclosed to third parties confidential information

17. Proceedings of Food Authority :

Chapter III- General Principles of Food Safety

18. **General principles to be followed in administration of Act.**

- endeavor to achieve an appropriate level of protection of human life and health and the protection of consumer's interests

- carry out risk management

- provisional risk management measures

- the measures adopted on the basis of clause (*c*) shall be proportionate and no more restrictive of trade than is required to achieve appropriate level of health

- shall take appropriate steps to inform the general public of the nature of the risk to health

- The Food Authority shall, while framing regulations shall take in to account
- -- Prevalent practice, international standards ,

- The provisions of this Act shall **not apply to any farmer or fisherman**

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Section 18 of the FSS Act establishes **five foundational principles** that guide all food safety operations in India. These principles ensure a comprehensive, science-based approach to protecting public health.

Protection of Human Life and Health

The paramount objective—safeguarding the well-being of every consumer through rigorous safety standards and enforcement mechanisms

Protection of Consumer Interests

Ensuring fair practices, accurate labeling, and transparency in food trade to empower informed consumer choices

Risk Management Based on Scientific Assessment

Decisions grounded in scientific evidence, considering both national and international standards for consistent, reliable outcomes

Transparency and Public Information

Authorities must proactively inform the public when food safety risks are identified, maintaining trust through open communication

Precautionary Measures in Uncertainty

When scientific evidence is incomplete, precautionary action may be adopted to protect public health until clarity emerges

Chapter IV- General provisions as to Articles of Food

19. Use of food additive or processing aid

No article of food shall contain any food additive or processing aid unless it is in accordance with the provisions of this Act and regulations made thereunder.

20. Contaminants, naturally occurring toxic substances, heavy metals, etc

No article of food shall contain any contaminant, naturally occurring toxic substances or toxins or hormone or heavy metals in excess of such quantities as may be specified by regulations.

21. Pesticides, veterinary drugs residues, antibiotic residues and microbiological counts

(1) No article of food shall contain insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues, pharmacological active substances and micro-biological counts in excess of such tolerance limit as may be specified by regulations.

(2) No insecticide shall be used directly on article of food except fumigants registered and approved under the Insecticides Act, 1968 (46 of 1968).

Chapter IV- General provisions as to Articles of Food

23. Packaging and labelling of foods.

(1) No person shall manufacture, distribute, sell or expose for sale or despatch or deliver to any agent or broker for the purpose of sale, any packaged food products which are not marked and labelled in the manner as may be specified by regulations:

Provided that the labels shall not contain any statement, claim, design or device which is false or misleading in any particular concerning the food products contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food products.

(2) Every food business operator shall ensure that the labelling and presentation of food, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, does not mislead consumers.

24. Restrictions of advertisement and prohibition as to unfair trade practices.

(1) No advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder.

(2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation which -

(a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;

(b) makes a false or misleading representation concerning the need for, or the usefulness;

(c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

Chapter V- Provisions relating to Import

25. All imports of articles of food to be subject to this Act.

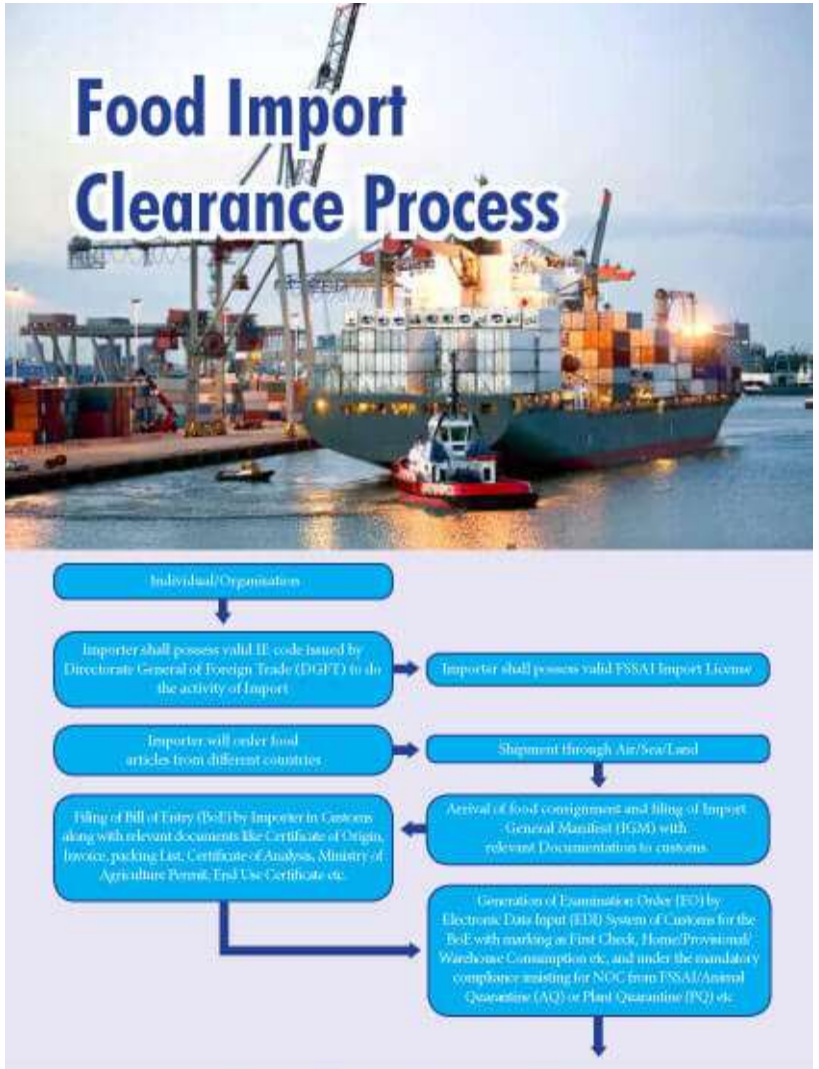
(1) No person shall import into India –

(i) any unsafe or misbranded or sub-standard food or food containing extraneous matter;

(ii) any article of food for the import of which a licence is required under any Act or rules or regulations, except in accordance with the conditions of the licence; and

(iii) any article of food in contravention of any other provision of this Act or of any rule or regulation made thereunder or any other Act.

(2) The Central Government shall, while prohibiting, restricting or otherwise regulating import of article of food under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992), follow the standards laid down by the Food Authority under the provisions of this Act and the Rules and regulations made thereunder.


Food Import
Clearance Process
Individual/Organisation
Importer shall possess valid IE code issued by Directorate General of Foreign Trade (DGFT) to do the activity of Import
Importer shall possess valid FSSAI Import License
Importer will order food articles from different countries
Shipment through Air/Sea/Land
Filing of Bill of Entry (BoE) by Importer in Customs along with relevant documents like Certificate of Origin, Invoice, packing List, Certificate of Analysis, Ministry of Agriculture Permit, End Use Certificate etc.
Arrival of food consignment and filing of Import General Manifest (IGM) with relevant Documentation to customs
Generation of Examination Order (EO) by Electronic Data Input (EDI) System of Customs for the BoE with marking as First Check, Home/Provisional/ Warehouse Consumption etc. and under the mandatory compliance existing for NOC from FSSAI/Animal Quarantine (AQ) or Plant Quarantine (PQ) etc.

Food Safety and Standards Authority of India
FDA Bhawan, Kotla Road, New Delhi- 110002
Website: www.fssai.gov.in Toll Free No. 1800112100
https://www.facebook.com/fssai

Chapter VI-Special Responsibilities as to Food Safety

Food Business Operators (FBOs) are the cornerstone of the food safety system. They bear primary responsibility for ensuring compliance with all standards and regulations throughout their operations.

26. Responsibilities of the Food business operator.

(1) Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the rules and regulations made thereunder at all stages of production, processing, import, distribution and sale within the businesses under his control.

(2) No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food –

(i) which is unsafe; or

(ii) which is misbranded or sub-standard or contains extraneous matter; or

(iii) for which a licence is required, except in accordance with the conditions of the licence; or

(iv) which is for the time being prohibited by the Food Authority or the Central Government or the State Government in the interest of public health; or

(v) in contravention of any other provision of this Act or of any rule or regulation made thereunder.

(3) No food business operator shall employ any person who is suffering from infectious, contagious or loathsome disease.

(4) No food business operator shall sell or offer for sale any article of food to any vendor unless he also gives a guarantee in writing in the form specified by regulations about the nature and quality of such article to the vendor:

Provided that a bill, cash memo, or invoice in respect of the sale of any article of food given by a food business operator to the vendor shall be deemed to be a guarantee under this section, even if a guarantee in the specified form is not included in the bill, cash memo or invoice.

(5) Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch, lot or consignment is also unsafe, unless following a detailed assessment within a specified time, it is found that there is no evidence that the rest of the batch, lot or consignment is unsafe:

Provided that any conformity of a food with specific provisions applicable to that food shall be without prejudice to the competent authorities taking appropriate measures to impose restrictions on that food being placed on the market or to require its withdrawal from the market for the reasons to be recorded in writing where such authorities suspect that, despite the conformity, the food is unsafe.

Chapter VI-Special Responsibilities as to Food Safety

Food Business Operators (FBOs) are the cornerstone of the food safety system. They bear primary responsibility for ensuring compliance with all standards and regulations throughout their operations.

27. Liability of the manufacturers, packers, wholesalers, distributors and sellers

(1) The manufacturer or packer of an article of food shall be liable for such article of food if it does not meet the requirements of this Act and the rules and regulations made thereunder.

(2) The wholesaler or distributor shall be liable under this Act for any article of food which is–

(a) Supplied after the date of its expiry; or
(b) Stored or supplied in violation of the safety instructions of the manufacturer; or
(c) Unsafe or misbranded; or
(d) Unidentifiable of manufacturer from whom the article of food have been received; or
(e) Stored or handled or kept in violation of the provisions of this Act, the rules and regulations made thereunder; or
(f) received by him with knowledge of being unsafe.

(2) The seller shall be liable under this Act for any article of food which is –

(a) sold after the date of its expiry; or
(b) handled or kept in unhygienic conditions; or
(c) misbranded; or
(d) unidentifiable of the manufacturer or the distributors from whom such articles of food were received; or
(e) received by him with knowledge of being unsafe.

Chapter VI- Special Responsibility as to Food Safety

28. Food recall procedures.

(1) If a food business operator considers or has reasons to believe that a food which he has processed, manufactured or distributed is not in compliance with this Act, or the rules or regulations, made thereunder, he shall immediately initiate procedures to withdraw the food in question from the market and consumers indicating reasons for its withdrawal and inform the competent authorities thereof.

(2) A food business operator shall immediately inform the competent authorities and co-operate with them, if he considers or has reasons to believe that a food which he has placed on the market may be unsafe for the consumers.

(3) The food business operator shall inform the competent authorities of the action taken to prevent risks to the consumer and shall not prevent or discourage any person from cooperating, in accordance with this Act, with the competent authorities, where this may prevent, reduce or eliminate a risk arising from a food.

(4) Every food business operator shall follow such conditions and guidelines relating to food recall procedures as the Food Authority may specify by regulations.

Chapter VII- Enforcement of the Act

29. Authorities responsible for enforcement of Act

30. Commissioner of Food Safety of the State

31. Licensing and registration of food business

32. Improvement notices :

33. Prohibition orders

34. Emergency prohibition notices and orders

35. Notification of food poisoning

Chapter VII- Enforcement of the Act

36. **Designated Officer**.–The Commissioner of Food Safety shall, by order, appoint the Designated Officer,

There shall be a Designated Officer for each district.

The functions to be performed by the Designated Officer shall be as follows, namely:—

- to issue or cancel licence of food business operators;
- to prohibit the sale of any article of food which is in contravention of the provisions;
- to receive report and samples and get them analysed;
- to recommend for the Commissioner of Food Safety for sanction to launch prosecutions ;
- to sanction or launch prosecutions in cases of contraventions punishable with fine;
- to maintain record of all inspections made by Food Safety Officers;
- to get investigated any complaint of any contravention
- to investigate any complaint against the Food Safety Officer;
- And to perform such other duties as may be entrusted by the Commissioner of Food Safety.

Chapter VII- Enforcement of the Act

37. Food Safety Officer.–(*1*) The Commissioner of Food Safety shall, by notification, appoint Food Safety Officers

38. Powers of Food Safety Officer.– (*1*) The Food Safety Officer may –

- take a sample
- seize any article of food or adulterant
- keep it in the safe custody of the food business operator
- The Food Safety Officer may enter and inspect any place
- To destroy any deteriorated or perishable suspected seized food.
- follow, as far as may be, the provisions of the Code of Criminal Procedure
- he shall, call one or more persons to be present at the time when such action is taken

Chapter VII- Enforcement of the Act

39. Liability of Food Safety Officer in certain cases

40. Purchaser may have food analysed.

41. Power of search, seizure, investigation, prosecution and procedure thereof

42. Procedure for launching prosecution

Chapter VIII- Analysis of Food

43. Recognition and accreditation of laboratories, research institutions and referral food laboratory :

44. Recognition of organisation or agency for food safety audit:

45. Food Analysts :

46. Functions of Food Analyst :

47. Sampling and analysis:

Chapter IX- Offences & Penalties

48. General provisions relating to offences
49. General provisions relating to penalty
50. Penalty for selling food not of the nature or substance or quality demanded : 5 L
51. Penalty for sub-standard food : 5L
52. Penalty for misbranded food. 3 L
53. Penalty for misleading advertisement : 10L
54. Penalty for food containing extraneous matter : 1 L
55. Penalty for failure to comply with the directions of Food Safety Officer : 2 L
56. Penalty for unhygienic or unsanitary processing or manufacturing of food : 1L
57 . Penalty for possessing adulterant : 2 L and 10 L.
58. Penalty for contraventions for which no specific penalty is provided: 2L

Chapter IX- Offences & Penalties

59. Punishment for unsafe food :
    i) where such failure does not result in injury : < 6 m , 1L
    ii) where such failure results in a non-grievous injury : < 1 Y, 3 L
    iii) where such failure or contravention results in a grievous injury, <6Y, 5L
    iv) where such failure or contravention results in death : 7Y- Life, > 10 L
60. Punishment for interfering with seized items : <6M , 2L
61. Punishment for false information : <3M, 2L.
62. Punishment for obstructing or impersonating a Food Safety Officer: < 3M, 1L.
63. Punishment for carrying out a business without licence : < 6M, 5L
64. Punishment for subsequent offences : twice the punishment .cancel license, daily basis fine, name to be published.
65. Compensation in case injury of death of consumer : 1L, 3L, 5L.

Penalty for the offenses in FSS Act, 2006			
Section	**Offense**	**Monetary**	**Remarks**
50	Penalty for selling food not of the nature or substance or quality demanded.	Not exceeding 5 Lakhs	Not meeting the expectation of purchaser.
51	Penalty for sub-standard food.	May extend to 5 Lakhs	NA
52	Penalty for misbranded food	May extend to 3 Lakhs	
53	Penalty for misleading advertisement	May extend to 10 Lakhs	
54	Penalty for food containing extraneous matter	May extend to 1 Lakh	
55	Penalty for failure to comply with the directions of Food Safety Officer.	May extend to 2 Lakhs	
56	Penalty for unhygienic or unsanitary processing or manufacturing of food.	May extend to 1 Lakhs	Unhygienic V/S Unsanitary
57	Penalty for possessing adulterant	Non-Injurious – May extend to 2 Lakhs Injurious - May extend to 10 Lakhs	Presence itself is enough
58	Penalty for contraventions for which no specific penalty is provided.	May extend to 2 Lakhs	

Penalty for the offenses in FSS Act, 2006

Section	Offense	Monetary	Imprisonment	Remarks
59	Punishment for unsafe food – No Injury	May extend to 3 Lakhs	May extend 3 Months	Amendment as per Jan Vishwas Act, 2023
	Punishment for unsafe food – Non-grievous Injury	May extend to 3 Lakhs	May extend to 1 Year	
	Punishment for unsafe food - grievous Injury	May extend to 5 Lakhs	May extend to 6 Years	
	Punishment for unsafe food - Death	Not Less than 10 Lakhs	Not less than 7 years and May extend to Life Imprisonment	When Life Imprisonment, not less than 14 years.
60	Punishment for interfering with seized items	May extend to 2 Lakhs	May extend 6 Months	
61	~~Punishment~~ Penalty for false information	May extend to 10 Lakhs	NA	No need of Prosecution Amendment as per Jan Vishwas Act, 2023
62	Punishment for obstructing or impersonating a Food Safety Officer	May extend to 5 Lakhs	May extend 6 Months	
63	~~Punishment~~ Penalty for carrying out a business without licence	May extend to 10 Lakhs	NA	No need of Prosecution Amendment as per Jan Vishwas Act, 2023

Chapter IX- Offences & Penalties

66. Offences by companies

(1) Where an offence under this Act which has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Head or the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—
(a) "company" means anybody corporate and includes a firm or other association of individuals; and
(b) "director" in relation to a firm, means a partner in the firm.

67. Penalty for contravention of provisions of this Act in case of import :

Foreign Trade (Development and Regulation) Act, 1992
and the Customs Act, 1962
and FSS act 2006

67. Penalty for contravention of provisions of this Act in case of import of articles of food to be in addition to penalties provided under any other Act.

(1) Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and the Customs Act, 1962 (52 of 1962) be also liable under this Act and shall be proceeded against accordingly.

(2) Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or the Customs Act, 1962 (52 of 1962), or any other Act, as the case may be.

CHAPTER X
ADJUDICATION AND FOOD SAFETY APPELLATE TRIBUNAL

68. Adjudication

69. Power to compound offences

70. Establishment of Food Safety Appellate Tribunal

71.Procedure and powers of Tribunal

72.Civil court not to have jurisdiction
73. Power of court to try cases summarily:
74. Special courts and Public Prosecutor.–
75. Power to transfer cases to regular courts
76. Appeal :
77. Time limit for prosecutions

CHAPTER X
ADJUDICATION AND FOOD SAFETY APPELLATE TRIBUNAL

74. Special courts and Public Prosecutor.–

75. Power to transfer cases to regular courts

76. Appeal :

77. Time limit for prosecutions

78. Power of court to implead manufacturer, etc.

79. Magistrate’s power to impose enhanced punishment

80. Defenses which may or may not be allowed

CHAPTER XI
FINANCE, ACCOUNTS, AUDIT AND REPORTS

81. Budget of Food Authority

82. Finances of the Food Authority

83. Accounts and audit of Food Authority

84. Annual report of Food Authority

CHAPTER XII MISCELLANEOUS

85. Power of Central Government to issue directions to Food Authority and obtain reports and returns

86. Power of Central Government to give directions to State Governments

87. Members, officers of Food Authority and Commissioner of Food Safety to be public servants

88. Protection of action taken in good faith

89. **Overriding effect of this Act over all other food related laws**

90. Transfer of existing employees of Central Government Agencies governing various foods related Acts or Orders to Food Authority

91. Power of Central Government to make rules

92. Power of Food Authority to make regulations

89. Overriding effect of this Act over all other food related laws.

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Food Safety and Standards Act Overrides Indian Penal Code; Simultaneous Prosecution Under Both Acts Not Possible : Supreme Court

Now, What about BNS 274 and 275??

- **Ram Nath v. State of Uttar Pradesh and Others**

Ram Nath Supreme Court Case Verdict

The Supreme Court's verdict in the Ram Nath case involved the interplay between the provisions of Chapter IX of the Food Safety and Standards Act, 2006 (FSSA) and Sections 272 and 273 of the Indian Penal Code (IPC). The Supreme Court's decision held that the provisions of the FSSA have an overriding effect over the food-related laws, including Sections 272 and 273 of the IPC. This ruling clarified that the police have no authority or jurisdiction to investigate a case under the FSSA. The case also involved a challenge to the Allahabad High Court's order that dismissed the petition filed by the appellant for quashing the FIR alleging commission of offences under Sections 272 and 273 of the IPC.

CHAPTER XII MISCELLANEOUS

93. Laying of rules and regulations before Parliament

94. Power of State Government to make rules

95. Reward by State Government

96. Recovery of penalty

97. Repeal and savings

98. Transitory provisions for food standards

99. Milk and Milk Products Order, 1992 shall be deemed to be regulations made under this Act

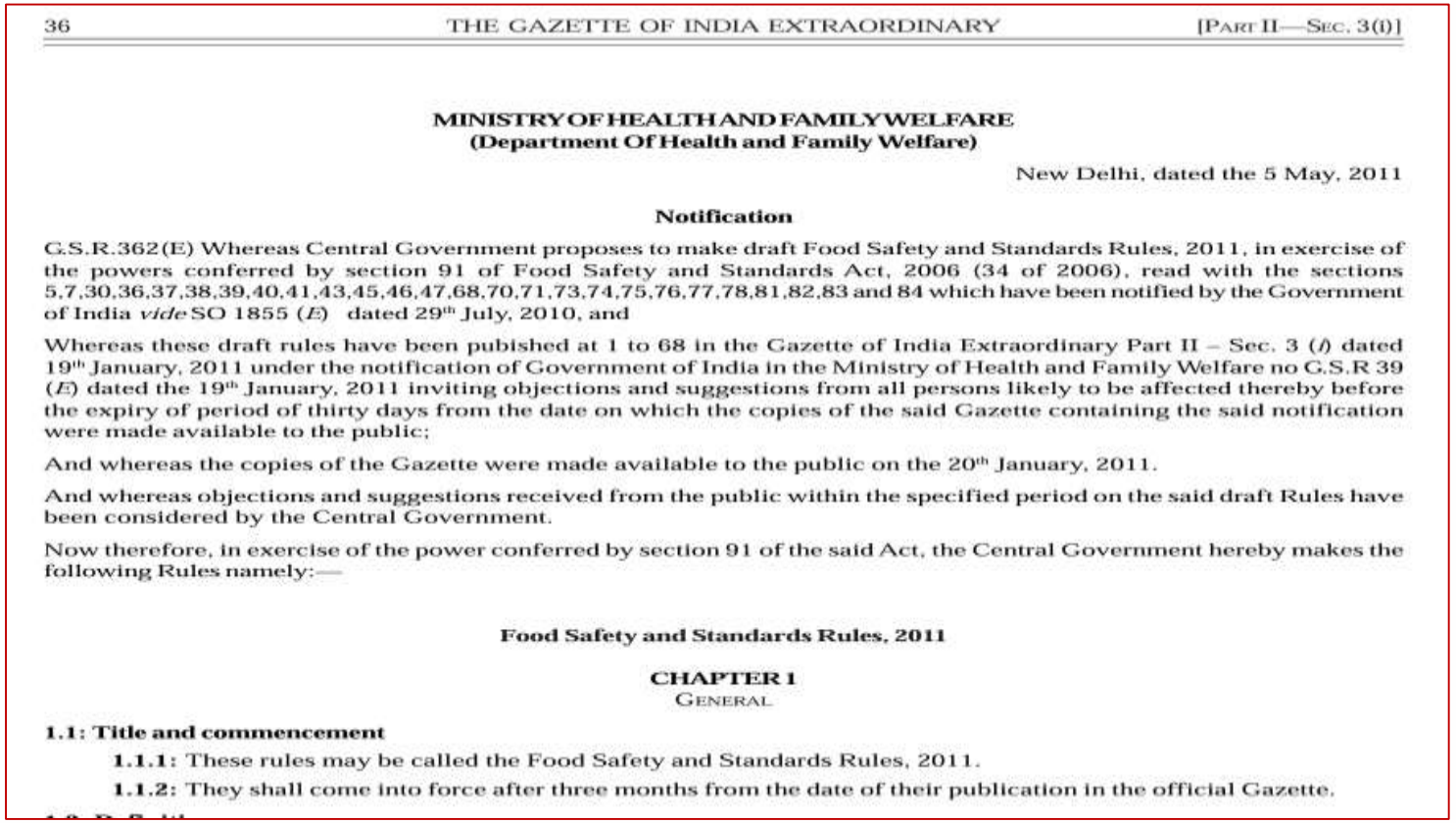
100. Amendments to the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992

101. Power to remove difficulties

FSS Rules 2011

Operationalizing India's Food Safety Framework

The Food Safety and Standards Rules, 2011, serve as the operational backbone of the FSS Act, transforming legislative intent into actionable procedures. These comprehensive rules establish the administrative machinery required to ensure food safety across India's vast and diverse food industry landscape.



36 THE GAZETTE OF INDIA EXTRAORDINARY [PART II—SEC. 3(i)]

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department Of Health and Family Welfare)

New Delhi, dated the 5 May, 2011

Notification

G.S.R.362(E) Whereas Central Government proposes to make draft Food Safety and Standards Rules, 2011, in exercise of the powers conferred by section 91 of Food Safety and Standards Act, 2006 (34 of 2006), read with the sections 5,7,30,36,37,38,39,40,41,43,45,46,47,68,70,71,73,74,75,76,77,78,81,82,83 and 84 which have been notified by the Government of India *vide* SO 1855 (*E*) dated 29th July, 2010, and

Whereas these draft rules have been pubished at 1 to 68 in the Gazette of India Extraordinary Part II – Sec. 3 (*i*) dated 19th January, 2011 under the notification of Government of India in the Ministry of Health and Family Welfare no G.S.R 39 (*E*) dated the 19th January, 2011 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of period of thirty days from the date on which the copies of the said Gazette containing the said notification were made available to the public;

And whereas the copies of the Gazette were made available to the public on the 20th January, 2011.

And whereas objections and suggestions received from the public within the specified period on the said draft Rules have been considered by the Central Government.

Now therefore, in exercise of the power conferred by section 91 of the said Act, the Central Government hereby makes the following Rules namely:—

Food Safety and Standards Rules, 2011

CHAPTER 1
GENERAL

1.1: Title and commencement

1.1.1: These rules may be called the Food Safety and Standards Rules, 2011.

1.1.2: They shall come into force after three months from the date of their publication in the official Gazette.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R. 362(E), dated the 5th May, 2011 and further amended vide following notification number:

(1) G.S.R. 508(E), dated 18th July, 2014;

(2) G.S.R. 57(E), dated 13th January, 2017;

(3) G.S.R. 1516(E), dated 13th December, 2017;

(4) G.S.R. 33(E), dated 16th January, 2023;

(5) G.S.R. 678(E), dated 29th October, 2024.

Structure and Purpose of FSS Rules 2011

Core Components

- The Rules were notified to operationalize the FSS Act, providing detailed mechanisms for enforcement and compliance. They define the qualifications, powers, and duties of key officers including the Commissioner of Food Safety, Designated Officers, Food Safety Officers, and Food Analysts.
- These foundational elements establish clear lines of authority and responsibility within the regulatory framework.

Procedural Framework

- The Rules outline comprehensive procedures for critical functions: systematic sample collection protocols, seizure, laboratory analysis standards, and adjudication processes for violations.
- State governments are empowered to create additional rules tailored to local enforcement needs, ensuring flexibility while maintaining national standards.

FSS Rules 2011

CHAPTER 1

General

1.1: Title and commencement :

1.2: Definitions :

- Act
- Adjudicating Officer
- Advocate
- Appellate Tribunal
- Authorised Officer
- Inquiry
- Licensing Authority
- Notified laboratory
- Presiding Officer
- Referral laboratory
- Registrar
- Registry
- Rules

CHAPTER 2
Enforcement structure and procedures

2.1.1 Food Safety commissioner - Qualification Rank commissioner or secretory
Power and Duty - same as in FSS act.

2.1.2 Designated Officer - Qualification: Rank Sub divisional Officer, Qualified as Food Inspector or Food Safety Officer

Power and duty-- as given in FSS act
And to refund fee of consumer if sample is not found compliant to provisions.

CHAPTER 2
Enforcement structure and procedures

2.1.3 Food Safety Officer :

Qualification: specified educational qualification and mandatory training or qualified Food inspector.

Powers and duties : as given in act and

- may seal premises for further investigation in the absence of FBO.
- Surveillance sample.
- Maintain FBO data base
- Recommend improvement notice.
- Investigate violation complaints
- To respond food poisoning cases
- To facilitate preparation of food safety plan.
- To detain imported packets in violation of regulations.

[(dd) examine the label of any article of food to be sent for analysis in accordance with the requirements of labelling, advertisement and claims as specified in the regulations made under the Food Safety and Standards Act and send the report of non-compliance, if found, to the Designated officer for scrutiny so as to take further proceedings as per

the provisions of the Food Safety and Standards Act, or rules made thereunder.][4]

CHAPTER 2
Enforcement structure and procedures

2.1.4: Food Analyst
Qualifications :

Duties

2.2 Procedure for taking extract from documents

2.3 - **Seizure** of articles of food by the Food Safety Officer and matters connected therewith

2.4: Sampling and Analysis 2.4.1: Procedure for taking sample and manner of sending it for analysis –

2.4.3- Action by Designated Officer on the report of Food Analyst.

2.4.4.: **Purchasers** may have the food analysed

2.4.5: Food business operator's right to have the food analysed

2.4.6: Appeal to the Designated Officer

2.5: Nomination by the company in the prescribed proforma

TABLE

S.No.	Condition of sampling	Number of parts of samples
1	Microbiological analysis	As specified in Appendix B of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011
2	Surveillance	As per the surveillance plan by the Food Authority or State Food Authority.
3	Import clearance	As specified in the Food Safety and Standards (Food import) Regulations, 2017.
4	Food safety emergency incidents	Less than the mandated number of parts of the sample subject to reasons along with the evidence to be recorded in writing.
5	Any other cases	Less than the mandated number of parts of the sample subject to reasons along with the evidence to be recorded in writing][4]

CHAPTER 3
ADJUDICATION AND APPEAL TO TRIBUNAL

3.1: Adjudication proceedings

3.2: Appellate Tribunal

3.3: Procedure for Appeal to Appellate Tribunal and Connected matters therewith

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Forms under FSS Rules 2011

FORM I
FORM OF AFFIDAVIT
Seizure of books of account and other documents
(*Refer Rule 2.2.2*)

FORM II
SEIZURE MEMO
[Refer Rule 2.3.1]

FORM III
FORM OF ORDER OF SEIZURE
[Refer Rule 2.3.2.(1)]

FORM IV
[Refer Rule 2.3.2.(2)]
FORM OF SURETY BOND

[FORM V A
(See rule 2.4.1. (3))
Form of Notice to the Food Business Operator

FORM V B
(form of notice to be given by purchaser)
(*Refer Rule 2.4.4 (2)*)

[FORM VI
(See rule 2.4.1(11))
MEMORANDUM TO FOOD ANALYST

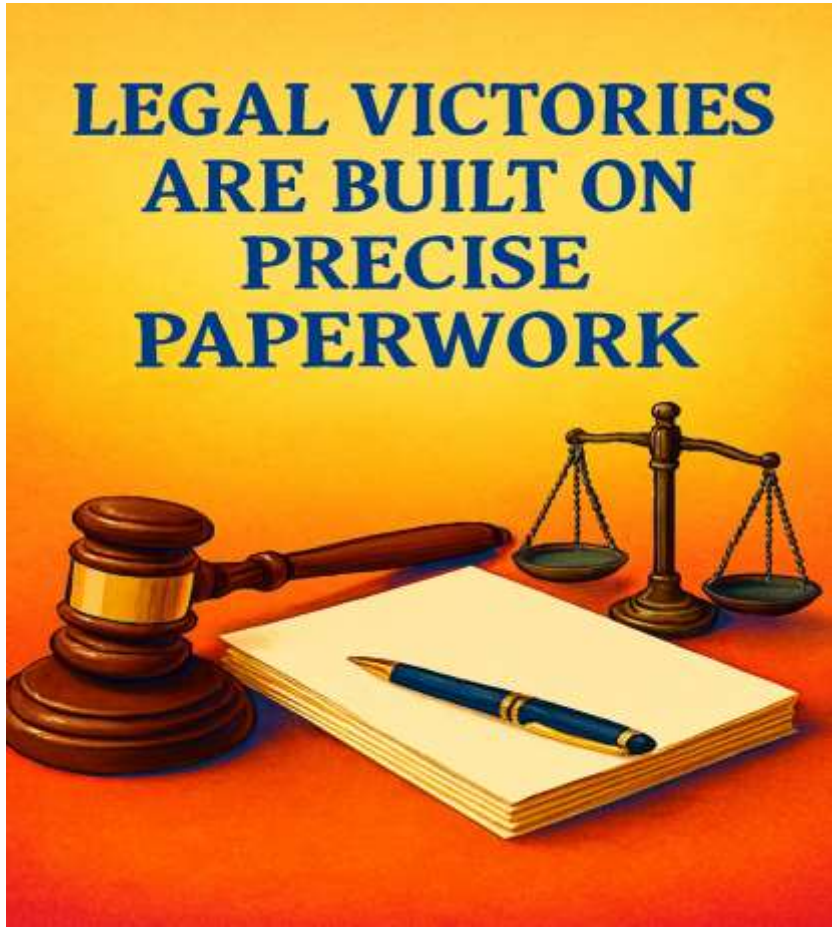
[**Form VII A**
Report of the Food Analyst
[See rule 2.4.2(5) and 2.4.4 (6)]

FORM VIII
[Refer Rule 2.4.6 (1)]
FORM OF APPEAL BEFORE THE DESIGNATED OFFICER
APPEAL BEFORE THE DESIGNATED OFFICER
(PLACE)

FORM NO. IX
(Form of Nomination - Refer rule 2.5.1)
NOMINATION OF PERSONS BY A COMPANY

FORM X
(Refer Rule (*i*) of 3.3.1 (2))
FORM OF APPEAL
BEFORE THE FOOD SAFETY APPELLATE TRIBUNAL
(PLACE OF THE TRIBUNAL)

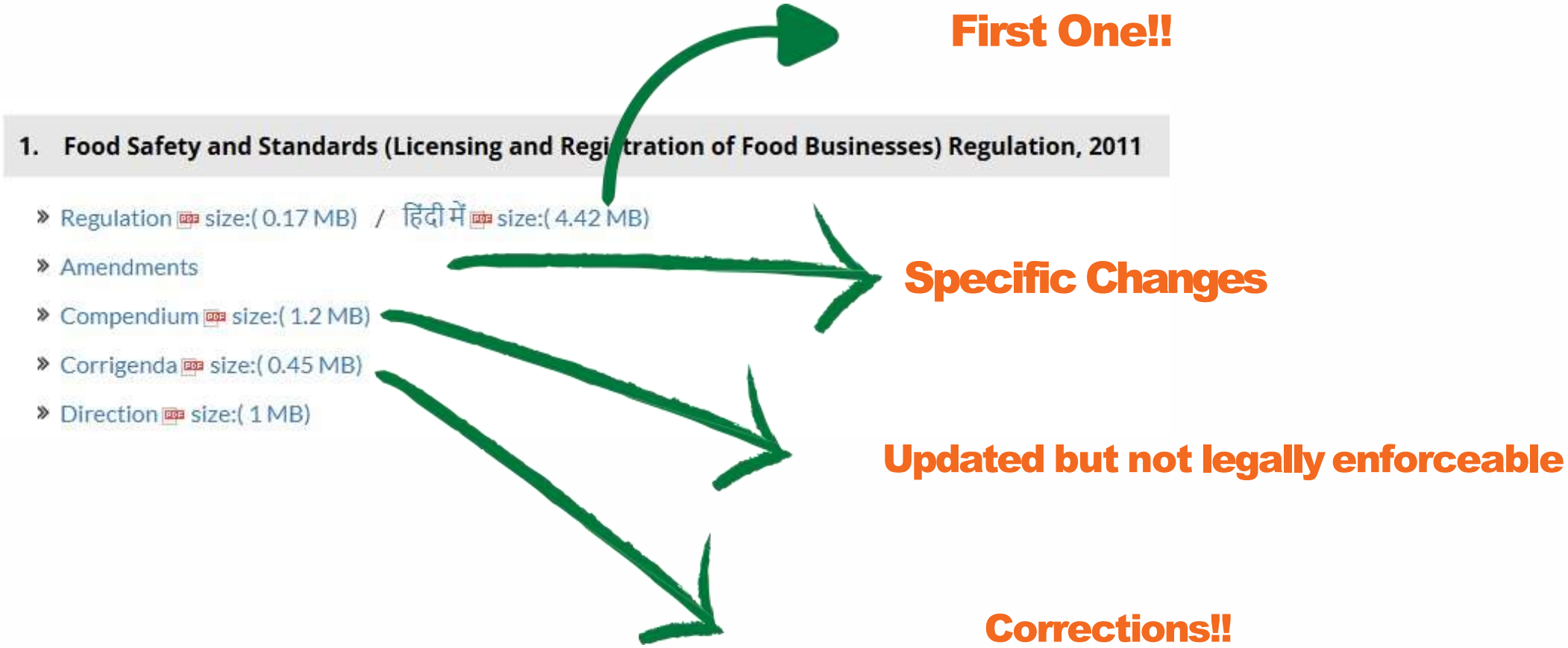
[FORM XI
(See rule 2.4.6(3))
CERTIFICATE OF ANALYSIS BY THE REFERRAL FOOD LABORATORY



Food Safety & Standards Regulations

How to Read Regulation?

The FSS Act is supported by a sophisticated suite of regulations, each addressing specific aspects of food safety to ensure comprehensive coverage from production to consumption.


First One!!
1. Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011
Regulation size:(0.17 MB) / हिंदी में size:(4.42 MB)
Amendments
Specific Changes
Compendium size:(1.2 MB)
Corrigenda size:(0.45 MB)
Updated but not legally enforceable
Direction size:(1 MB)
Corrections!!

Initial Principle Regulations under FSSA, 2006

Six principle regulations notified on 1st August, 2011

1. Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011
2. Food Safety and Standards (Prohibition and Restriction of Sales) Regulation, 2011
3. Food Safety and Standards (Packaging and Labelling) Regulation, 2011
4. Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011
5. Food Safety and Standards (Laboratory and Sampling Analysis) Regulation, 2011
6. Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011

1. Licensing and Registration of Food Businesses Regulation, 2011

2.Food Product Standards and Food Additives Regulation, 2011

3.Prohibition and Restriction on Sales Regulation, 2011

4.Packaging and Labelling Regulation, 2011

5. Contaminants, Toxins and Residues Regulation, 2011

6. Laboratory and Sampling Analysis Regulation, 2011

7.Food or Health Supplements Regulations, 2016

8.Food Recall Procedure Regulation, 2017

9. Import Regulation, 2017

10.Approval for Non-Specified Food and Food Ingredients Regulations, 2017.

11.Organic Food Regulation, 2017.

12.Alcoholic Beverages Regulations, 2018

13.Fortification of Foods Regulations, 2018

14.Food Safety Auditing Regulations, 2018

15.Recognition and Notification of Laboratories Regulations, 2018.

16.Advertising and Claims Regulations, 2018.

17.Packaging Regulations, 2018

18. Food Safety and Standards (Recovery and Distribution of Surplus food) Regulation, 2019

19.Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020

20.Food Safety and Standards (Labelling and Display) Regulations, 2020

21.Food Safety and Standards (Safe food and balanced diets for children in school) Regulations, 2020

22.Food Safety and Standards (Ayurvedic Aahar) Regulations, 2022

23.Food Safety and Standards (Vegan) Regulations, 2022

Horizontal	
Regulation	**Remark**
Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011	How's —New, Modification and Renewal, Hygiene and Sanitation
Food Safety and Standards (Prohibition and Restriction of Sales) Regulation, 2011	What and What not is Prohibited and Restricted
Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011	Pesticides, Mycotoxins, Antibiotic Residues, NOTS etc
Food Safety and Standards (Laboratory and Sampling Analysis) Regulation, 2011	Sample Size & RAFT
Food Safety and Standards (Food Recall Procedure) Regulation, 2017	Recall Procedure
Food Safety and Standards (Import) Regulation, 2017	How to Import
Food Safety and Standards (Food Safety Auditing) Regulation, 2018	Audits!!

Horizontal	
Regulation	**Remark**
Food Safety and Standards (Recognition and Notification of Laboratories) Regulation, 2018	Procedure to get Notified/recognized
Food Safety and Standards (Advertising and Claims) Regulation, 2018	Do's and Don'ts of Advertisements and claims
Food Safety and Standards (Packaging) Regulation, 2018	Packaging Requirement
Food Safety and Standards (Recovery and Distribution of Surplus food) Regulation, 2019	How to safely distribute
Food Safety and Standards (Safe food and balanced diets for children in school) **Regulations, 2020**	Safe Guarding future of the nation
Food Safety and Standards (Labelling and Display) Regulations, 2020	Do's and Don'ts of Labelling

Vertical	
Regulations	**Remark**
Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011	Quality and Safety Standard of products
Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016 (Draft FSS Nutra 2022)	What and What not For Functional Foods like Health Supplements, FSDU etc
Food Safety and Standards (Alcoholic Beverages) Regulation, 2018	Alcoholic Beverages
Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020	Infant Food Nutrition
Food Safety and Standards (Ayurveda Aahara) Regulations, 2022	The New Entry!!
Food Safety and Standards (Vegan Foods) Regulations, 2022	Vegan Food
Food Safety and Standards (Fortification of Food) Regulation, 2018	Fortification

Building a Culture of Food Safety

The FSS Act, 2006 represents more than legislation—it's a commitment to protecting every Indian consumer. By consolidating laws, establishing science-based standards, and empowering enforcement agencies, the Act creates a comprehensive ecosystem for food safety.

For Regulators

Enforce standards consistently, communicate risks transparently, and adapt to emerging challenges

For Industry

Embrace compliance as competitive advantage, invest in quality systems, and prioritize consumer trust

For Consumers

Stay informed about rights, report violations, and demand accountability from food providers

Thank You